

P17613

9-10-82 Asgd to Clifford V. Horn

12-19-84 Asgd to City of Willits

STATE OF CALIFORNIA
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

ORDER

Application 25666 Permit 17613 License

**ORDER APPROVING A NEW DEVELOPMENT SCHEDULE
AND AMENDING THE PERMIT**

WHEREAS:

1. Permit 17163 was issued to Pacific Gas and Electric Company on June 6, 1979, pursuant to Application 25666.
2. Permit 17163 was assigned from Pacific Gas and Electric Company to Clifford B. Horn on September 10, 1982, then to City of Willits on December 19, 1984.
3. A petition for an extension of time within which to develop the project and apply the water to the proposed use has been filed with the State Water Resources Control Board.
4. The permittee has proceeded with diligence and good cause has been shown for said extension of time.

NOW, THEREFORE, IT IS ORDERED THAT:

1. Condition 7 of the permit be amended to read:

COMPLETE APPLICATION OF THE
WATER TO THE PROPOSED USE
SHALL BE MADE ON OR BEFORE

December 31, 2005

(0000009)

2. Condition 10 of the permit, pertaining to the continuing authority of the Board, should be updated to conform to Section 780(a), Title 23 of the California Code of Regulations.

Pursuant to California Water Code Sections 100 and 275, and the common law public trust doctrine, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to protect public trust uses and to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to eliminating waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement a water conservation plan, features of which may include but not necessarily be limited to (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated;

STATE OF CALIFORNIA
THE RESOURCES AGENCY
STATE WATER RESOURCES CONTROL BOARD
DIVISION OF WATER RIGHTS

PERMIT FOR DIVERSION AND USE OF WATER

PERMIT 17613

Application 25666 of Pacific Gas and Electric Company (over)
77 Beale Street, San Francisco, California 94106

filed on February 2, 1978, has been approved by the State Water Resources Control Board SUBJECT TO VESTED RIGHTS and to the limitations and conditions of this Permit.

Permittee is hereby authorized to divert and use water as follows:

1. Source:	Tributary to:
<u>James Creek</u>	<u>Davis Creek thence</u>
<u></u>	<u>Outlet Creek thence</u>
<u></u>	<u>Eel River</u>
<u></u>	<u></u>
<u></u>	<u></u>

2. Location of point of diversion:	40-acre subdivision of public land survey or projection thereof	Section	Township	Range	Base and Meridian
Morris Dam N 80° W, 690 ft from E $\frac{1}{4}$ corner of Section 33	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	33	18N	13W	MD

County of Mendocino

3. Purpose of use:	4. Place of use:	Section	Township	Range	Base and Meridian	Acres
Wildlife Enhancement	Morris Reservoir in E $\frac{1}{2}$ of SE $\frac{1}{4}$	33	18N	13W	MD	
	SE $\frac{1}{4}$ of NE $\frac{1}{4}$	33	18N	13W	MD	
	NW $\frac{1}{4}$ of SW $\frac{1}{4}$	34	18N	13W	MD	
Municipal	Within the boundaries of the					
	Willits Service Area		17N	13W	MD	
			18N	13W	MD	
			18N	14W	MD	

The place of use is shown on map filed with the State Water Resources Control Board.

5. The water appropriated shall be limited to the quantity which can be beneficially used and shall not exceed 280 ACRE-FEET PER ANNUM TO BE COLLECTED FROM OCTOBER 1 OF EACH YEAR TO JUNE 30 OF THE SUCCEEDING YEAR.

THIS PERMIT DOES NOT AUTHORIZE COLLECTION OF WATER TO STORAGE OUTSIDE OF THE SPECIFIED SEASON TO OFFSET EVAPORATION AND SEEPAGE LOSSES OR FOR ANY OTHER PURPOSE.

(0000005)

6. The amount authorized for appropriation may be reduced in the license if investigation warrants. (0000006)

~~7. Actual construction work shall begin on or before two years from date of permit and shall thereafter be prosecuted with reasonable diligence, and if not so commenced and prosecuted, this permit may be revoked.~~

~~8. Said construction work shall be completed on or before~~

7. ~~XX~~ Complete application of the water to the proposed use shall be made on or before DECEMBER 1, 1989.

(0000009)

8. ~~XX~~ Progress reports shall be submitted promptly by permittee when requested by the State Water Resources Control Board until license is issued.

(0000010)

9. ~~KK~~ Permittee shall allow representatives of the State Water Resources Control Board and other parties, as may be authorized from time to time by said Board, reasonable access to project works to determine compliance with the terms of this permit.

(0000011)

10. ~~XX~~ Pursuant to California Water Code Sections 100 and 275, all rights and privileges under this permit and under any license issued pursuant thereto, including method of diversion, method of use, and quantity of water diverted, are subject to the continuing authority of the State Water Resources Control Board in accordance with law and in the interest of the public welfare to prevent waste, unreasonable use, unreasonable method of use, or unreasonable method of diversion of said water.

The continuing authority of the Board may be exercised by imposing specific requirements over and above those contained in this permit with a view to minimizing waste of water and to meeting the reasonable water requirements of permittee without unreasonable draft on the source. Permittee may be required to implement such programs as (1) reusing or reclaiming the water allocated; (2) using water reclaimed by another entity instead of all or part of the water allocated; (3) restricting diversions so as to eliminate agricultural tailwater or to reduce return flow; (4) suppressing evaporation losses from water surfaces; (5) controlling phreatophytic growth; and (6) installing, maintaining, and operating efficient water measuring devices to assure compliance with the quantity limitations of this permit and to determine accurately water use as against reasonable water requirements for the authorized project. No action will be taken pursuant to this paragraph unless the Board determines, after notice to affected parties and opportunity for hearing, that such specific requirements are physically and financially feasible and are appropriate to the particular situation.

(0000012)

11. ~~XX~~ The quantity of water diverted under this permit and under any license issued pursuant thereto is subject to modification by the State Water Resources Control Board if, after notice to the permittee and an opportunity for hearing, the Board finds that such modification is necessary to meet water quality objectives in water quality control plans which have been or hereafter may be established or modified pursuant to Division 7 of the Water Code. No action will be taken pursuant to this paragraph unless the Board finds that (1) adequate waste discharge requirements have been prescribed and are in effect with respect to all waste discharges which have any substantial effect upon water quality in the area involved, and (2) the water quality objectives cannot be achieved solely through the control of waste discharges.

(0000013)

12. THIS PERMIT IS SUBJECT TO THE AGREEMENT DATED NOVEMBER 24, 1976 BETWEEN PERMITTEE AND DEPARTMENT OF FISH AND GAME, TO THE EXTENT SUCH AGREEMENT COVERS MATTERS WITHIN THE BOARD'S JURISDICTION.

(0430300)

13. PERMITTEE SHALL, WHEN REQUIRED BY THE STATE WATER RESOURCES CONTROL BOARD, INSTALL AND MAINTAIN AN OUTLET PIPE OF ADEQUATE CAPACITY IN HIS DAM AS NEAR AS PRACTICABLE TO THE BOTTOM OF THE NATURAL STREAM CHANNEL, OR PROVIDE OTHER MEANS SATISFACTORY TO THE STATE WATER RESOURCES CONTROL BOARD, IN ORDER THAT WATER ENTERING THE RESERVOIR WHICH IS NOT AUTHORIZED FOR APPROPRIATION UNDER THIS PERMIT MAY BE RELEASED.

(0050044)

14. ENLARGEMENT OF THE STORAGE DAM SHALL NOT BE COMMENCED UNTIL THE DEPARTMENT OF WATER RESOURCES HAS APPROVED PLANS AND SPECIFICATIONS.

(0130049)

15. IN ACCORDANCE WITH THE REQUIREMENTS OF WATER CODE SECTION 1393, PERMITTEE SHALL CLEAR THE AREA COVERED BY THE RESERVOIR ENLARGEMENT OF ALL STRUCTURES, TREES AND OTHER VEGETATION WHICH WOULD INTERFERE WITH THE USE OF THE RESERVOIR FOR WATER STORAGE AND RECREATIONAL PURPOSES.

(0120050)

16. IN COMPLIANCE WITH FISH AND GAME CODE SECTION 5943, IF STORAGE OF WATER AUTHORIZED BY THIS PERMIT IS ON A STREAM NATURALLY FREQUENTED BY FISH, PERMITTEE SHALL ACCORD TO THE PUBLIC, FOR THE PURPOSE OF FISHING, REASONABLE RIGHT OF ACCESS TO THE WATERS IMPOUNDED BY MORRIS DAM DURING THE OPEN SEASON FOR THE TAKING OF FISH, SUBJECT TO THE REGULATIONS OF THE FISH AND GAME COMMISSION AND FOR DOMESTIC WATER SUPPLY RESERVOIRS, SUBJECT TO PUBLIC HEALTH REQUIREMENTS OF SECTIONS 7623 TO 7630, TITLE 17, CALIFORNIA ADMINISTRATIVE CODE. (0030064)

17. NO WATER SHALL BE USED UNDER THIS PERMIT UNTIL THE PERMITTEE HAS FILED A REPORT OF WASTE DISCHARGE WITH THE CALIFORNIA REGIONAL WATER QUALITY CONTROL BOARD, NORTH COASTAL REGION, PURSUANT TO WATER CODE SECTION 13260, AND THE REGIONAL BOARD OR STATE WATER RESOURCES CONTROL BOARD HAS PRESCRIBED WASTE DISCHARGE REQUIREMENTS OR HAS INDICATED THAT WASTE DISCHARGE REQUIREMENTS ARE NOT REQUIRED. THEREAFTER, WATER MAY BE DIVERTED ONLY DURING SUCH TIMES AS ALL REQUIREMENTS PRESCRIBED BY THE REGIONAL BOARD OR STATE BOARD ARE BEING MET. NO DISCHARGES OF WASTE TO SURFACE WATER SHALL BE MADE UNLESS WASTE DISCHARGE REQUIREMENTS ARE ISSUED BY A REGIONAL BOARD OR THE STATE BOARD. A DISCHARGE TO GROUND WATER WITHOUT ISSUANCE OF A WASTE DISCHARGE REQUIREMENT MAY BE ALLOWED IF AFTER FILING THE REPORT PURSUANT TO SECTION 13260:

(1) THE REGIONAL BOARD ISSUES A WAIVER PURSUANT TO SECTION 13269, OR

(2) THE REGIONAL BOARD FAILS TO ACT WITHIN 120 DAYS OF THE FILING OF THE REPORT.

NO REPORT OF WASTE DISCHARGE PURSUANT TO SECTION 13260 OF THE WATER CODE SHALL BE REQUIRED FOR PERCOLATION TO THE GROUND WATER OF WATER RESULTING FROM THE IRRIGATION OF CROPS. (0290101)

This permit is issued and permittee takes it subject to the following provisions of the Water Code:

Section 1390. A permit shall be effective for such time as the water actually appropriated under it is used for a useful and beneficial purpose in conformity with this division (of the Water Code), but no longer.

Section 1391. Every permit shall include the enumeration of conditions therein which in substance shall include all of the provisions of this article and the statement that any appropriator of water to whom a permit is issued takes it subject to the conditions therein expressed.

Section 1392. Every permittee, if he accepts a permit, does so under the conditions precedent that no value whatsoever in excess of the actual amount paid to the State therefor shall at any time be assigned to or claimed for any permit granted or issued under the provisions of this division (of the Water Code), or for any rights granted or acquired under the provisions of this division (of the Water Code), in respect to the regulation by any competent public authority of the services or the price of the services to be rendered by any permittee or by the holder of any rights granted or acquired under the provisions of this division (of the Water Code) or in respect to any valuation for purposes of sale to or purchase, whether through condemnation proceedings or otherwise, by the State or any city, city and county, municipal water district, irrigation district, lighting district, or any political subdivision of the State, of the rights and property of any permittee, or the possessor of any rights granted, issued, or acquired under the provisions of this division (of the Water Code).

Dated: JUNE 4 1979

STATE WATER RESOURCES CONTROL BOARD

M. A. Lampas
Chief, Division of Water Rights